

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND COMPOUNDING
PHARMACY, INC. PRODUCTS LIABILITY
LITIGATION

This Document Relates to:
All Cases

)
)
) MDL No. 1:13-md-2419-RWZ
)
)
)
)
)

**[PROPOSED] SUPPLEMENTAL ORDER TRANSFERRING
ADDITIONAL PERSONAL INJURY CASES TO THIS
COURT PURSUANT TO 28 U.S.C. §§ 157(b)(5) AND 1334**

Upon consideration of the Chapter 11 Trustee's renewed and supplemental motion (the "Motion") to transfer to this Court additional personal injury tort and wrongful death cases pursuant to 28 U.S.C. §§ 157(b)(5) and 1334 (Docket # 732), and the memorandum in support thereof (the "Memorandum"), the Court found that notice of the Motion is proper and the relief requested in the Motion is in the best interests of the Debtor, its estate, creditors, claimants, and other parties-in-interest. After due deliberation and sufficient cause appearing thereof, and for the reasons set forth in this Court's memorandum of decision (Docket #1131) dated May 15, 2014, the Court allowed the Motion. In accordance therewith, the Court subsequently entered an order (Docket #1173) directing the transfer of 20 personal injury and wrongful death cases from the Roanoke City Circuit Court in which they were pending to this Court. An additional three personal injury actions have been commenced in the Roanoke City Circuit Court, where they currently remain pending.

Accordingly, it is hereby

1. ORDERED, that, pursuant to 28 U.S.C. § 157(b)(5), the personal injury actions styled *Carolyn D. Fidler, et al. v. Insight Health Corp., et al.* (Case No. CL14-1300); *Jean E.*

Clemons v. Insight Health Corp., et al. (Case No. CL14-1311); and *Theron L. Lester v. Insight Health Corp., et al.* (Case No. CL14-1422) are hereby removed and transferred to this Court from the court in which they are currently pending; and it is further

2. ORDERED, that a Notice of Removal and Transfer, pursuant to 28 U.S.C. § 157(b)(5), of the three actions, substantially in the form of Exhibit A hereto, and a copy of this Order, shall be filed in the Roanoke City Circuit Court and provided to all parties in interest in the three actions; and it is further

3. ORDERED, that, pursuant to 28 U.S.C. § 157(b)(5), the clerk of the Roanoke City Circuit Court shall thereafter promptly transfer the case files pertaining to the three actions to the Clerk of the District Court for the District of Massachusetts; and it is further

4. ORDERED, that plaintiffs, defendants, and their counsel shall promptly take any and all actions necessary to effectuate the transfer of the three actions pursuant to this Order; and it is further

5. ORDERED, that this Order shall not modify or in any way affect the automatic stay that may apply to the three actions under 11 U.S.C. § 362, which shall remain in full force and effect pending further Order of this Court or the Bankruptcy Court; and it is further

6. ORDERED, that this Order is entered without prejudice to any position that the Trustee may take regarding whether 11 U.S.C. §§ 105 and 362 operate to stay the three actions or to render null and void the post-petition filing of such actions.

Dated: August ___, 2014
Boston, Massachusetts

Judge Rya W. Zobel
United States District Court Judge

EXHIBIT A

Form of Notice of Removal and Transfer

V I R G I N I A :

IN THE CIRCUIT COURT FOR THE CITY OF ROANOKE

[PLAINTIFF(S)])	
)	
Plaintiff(s),)	
)	
v.)	Case No.: CL14-XXXX
)	
INSIGHT HEALTH CORP.;)	
)	
IMAGE GUIDED PAIN MANAGEMENT, P.C.;)	
)	
JOHN M. MATHIS, M.D.;)	
)	
and)	
)	
ROBERT F. O'BRIEN, M.D.)	
)	
Defendants.)	

NOTICE OF REMOVAL AND TRANSFER PURSUANT TO 28 U.S.C. § 157(b)(5)

In accordance with the Memorandum of Decision, entered on May 15, 2014 and the Order entered on [DATE] by the Honorable Rya W. Zobel, Judge, United States District Court for the District of Massachusetts, notice is hereby given as follows:

Pursuant to 28 U.S.C. § 157(b)(5), the entire court case file pertaining to this action shall be transferred from the Roanoke City Circuit Court to the clerk of the District of Massachusetts.

A copy of the Order is attached as Exhibit A.

Dated: [DATE OF TRANSFER]
[LOCATION]

Respectfully submitted,

[TRANSFERRING COUNSEL]
Attorneys for [TRANSFERRING DEFENDANT]